

**Mayor**  
James Kallander

**Council Members**  
Tim Joyce  
James Kacsh  
David Allison  
Bret Bradford  
EJ Cheshier  
David Reggiani  
Robert Beedle

**COUNCIL SPECIAL MEETING  
MARCH 14, 2013 @ 7:00 PM  
LIBRARY MEETING ROOM**

**AGENDA**

**A. CALL TO ORDER**

**Interim City Manager** **B. ROLL CALL**  
Don Moore

Mayor James Kallander, Council members Keith van den Broek, James Kacsh, David Allison, Bret Bradford, EJ Cheshier, David Reggiani, and Robert Beedle

**City Clerk**  
Susan Bourgeois

**C. APPROVAL OF AGENDA**..... (voice vote)

**Deputy Clerk**  
Tina Hammer

**D. DISCLOSURES OF CONFLICTS OF INTEREST**

**Student Council**  
Sarah Hoepfner  
Gabrielle Brown

**E. COMMUNICATIONS BY AND PETITIONS FROM VISITORS**

1. Audience Comments regarding agenda items

**F. NEW BUSINESS**

**2. Ordinance 1107**..... (voice vote)(page 1)

An ordinance of the City Council of the City of Cordova, Alaska, amending Cordova Municipal Code sections 1.04.070, 1.28.085, 16.05.010 and 18.32.010; repealing and reenacting Cordova Municipal Code title 8; and enacting Cordova Municipal Code chapter 14.20 and Cordova Municipal Code sections 1.04.115, 18.32.025 and 18.60.030; regarding health and safety– 1<sup>st</sup> reading

**3. Ordinance 1108**..... (voice vote)(page 22)

An ordinance of the City Council of the City of Cordova, Alaska, amending Cordova municipal code section 1.28.085; repealing and reenacting Cordova Municipal Code Title 14; and enacting Cordova Municipal Code chapter 8.36; regarding city utilities and related matters – 1<sup>st</sup> reading

**4. Resolution 03-13-11**..... (voice vote)

Certification of the official results of the March 5, 2013 General Election  
(resolution to be provided at meeting)

**5. Swearing in of elected Council members and School Board members**

**G. COUNCIL COMMENTS**

**H. ADJOURNMENT**

Executive Sessions: Subjects which may be discussed are: (1) Matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government; (2) Subjects that tend prejudice the reputation and character of any person; provided that the person may request a public discussion; (3) Matters which by law, municipal charter or code are required to be confidential; (4) Matters involving consideration of governmental records that by law are not subject to public disclosures.

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**MEMORANDUM**

**TO: MAYOR AND CITY COUNCIL  
CITY OF CORDOVA**

**FROM: THOMAS F. KLINKNER**

**RE: REVISION OF CORDOVA MUNICIPAL CODE TITLE 8**

**FILE NO.: 401,777.187**

**DATE: MARCH 11, 2013**

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Submitted with this memorandum is an ordinance revising Cordova Municipal Code Title 8, Health and Safety. At present, Title 8 consists of the following 13 Chapters:

- Chapter 8.04 - ANIMALS
- Chapter 8.08 - INFECTIOUS DISEASES
- Chapter 8.12 - GARBAGE
- Chapter 8.16 - NUISANCES
- Chapter 8.17 - DANGEROUS BUILDINGS
- Chapter 8.20 - AIR POLLUTION
- Chapter 8.22 - WATER POLLUTION
- Chapter 8.24 - EXPLOSIVES
- Chapter 8.25 - CONTROLLED BURNS
- Chapter 8.28 - SMOKING
- Chapter 8.30 - SALVAGE YARDS
- Chapter 8.31 - BURN PILE
- Chapter 8.32 - LITTERING

As revised, Title 8 consists of the following 8 Chapters:

- Chapter 8.04 - ANIMALS
- Chapter 8.08 - NUISANCES
- Chapter 8.12 - AIR POLLUTION
- Chapter 8.16 - WATER POLLUTION
- Chapter 8.20 - EXPLOSIVES
- Chapter 8.24 - CONTROLLED BURNS
- Chapter 8.28 - BURN PILE
- Chapter 8.32 - LITTERING

Present Chapters 8.08, Infectious Diseases, 8.20, Air Pollution, and 8.28, Smoking, were deleted because they duplicated provisions of state law. Chapter 8.12, Garbage, has been moved to Title 14, Public Services, because it concerns the City's garbage collection and disposal services (see Ordinance Section 6). In lieu of Chapter 8.17, Dangerous Buildings, the ordinance adopts the Uniform Code for the Abatement of Dangerous Buildings by reference as part of Title 16, Building Codes (see Ordinance Section 7). The provisions of Chapter 8.30, Salvage Yards, are land use regulations that have been moved to Title 18, Zoning (see Ordinance Sections 8 through 10).

Other provisions of Title 8 that should be addressed elsewhere in the Code are moved to their proper location. The terms "city manager" and "law" are used throughout the Code, so their definitions are moved to Chapter 1.04, Definitions (see Ordinance Sections 1 and 2). Violations and penalties are similarly consolidated in Chapter 1.28, Violations (See Ordinance Sections 3 and 4).

Finally, Ordinance Section 5 repeals and reenacts Title 8 itself. The revisions to Title 8 include matters of substance recommended by the City administration, as well as changes in style for the purpose of clarity and grammatical correctness.

TFK/

**CITY OF CORDOVA, ALASKA  
ORDINANCE 1107**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA, AMENDING CORDOVA MUNICIPAL CODE SECTIONS 1.04.070, 1.28.085, 16.05.010 AND 18.32.010; REPEALING AND REENACTING CORDOVA MUNICIPAL CODE TITLE 8; AND ENACTING CORDOVA MUNICIPAL CODE CHAPTER 14.20 AND CORDOVA MUNICIPAL CODE SECTIONS 1.04.115, 18.32.025 AND 18.60.030; REGARDING HEALTH AND SAFETY.**

**BE IT ORDAINED** by the City Council of the City of Cordova, that:

Section 1. Cordova Municipal Code 1.04.070 is amended to read as follows:

1.04.070 - City manager. "City manager" means the city manager of the city of Cordova or the authorized designee of the city manager.

Section 2. Cordova Municipal Code 1.04.115 is enacted to read as follows:

1.04.115 – Law. "Law" means the constitution and statutes of the United States, the constitution of the State of Alaska, the statutes of the State of Alaska that are valid limitations on the exercise of legislative power by a home rule municipality, the city charter and the ordinances enacted pursuant to the city charter.

Section 3. Cordova Municipal Code 1.28.085 is amended by replacing the part of the table headed, "Health and Safety" with the following:

Code Ref.	Code Title	Fine per Day
8.04.040	Dog license required	\$75.00
8.04.050	Dog license tag--display	\$75.00
8.04.070	Dog license not transferable	\$75.00
8.04.100	Control and confinement of dogs	\$75.00
8.04.110	Control and confinement of cats	\$75.00
8.04.120	Control of other animals.	\$75.00
8.04.130(A)	Disease control—vaccinations.	\$75.00
8.04.130(B)	Disease control—proof of vaccination	\$75.00
8.04.130(C)	Disease control—duty to report bites	\$75.00
8.04.130(D)	Disease control—quarantine of animal	\$75.00
8.04.130(E)	Disease control—removal or destruction of animal subject to quarantine	\$75.00
8.04.140(G)	Impoundment—unauthorized removal of impounded animal from animal shelter	\$75.00
8.04.160	Accident involving injury to an animal	\$75.00
8.04.170	Trapping	\$75.00
8.04.180(A)	Prohibitions—stolen or falsified license or document	\$75.00
8.04.180(B)	Prohibitions—interference with enforcement	\$75.00
8.04.180(C)	Prohibitions—interference with performing duties	\$75.00
8.04.180(D)	Prohibitions—failure to comply with quarantine	\$75.00
8.04.180(E)	Prohibitions—failure to comply with other provision, rule, order or regulation	\$75.00
8.08.010	Creation or maintenance of nuisance prohibited	\$75.00
8.12.010	Violation of air quality standards	\$75.00

8.16.010	Violation of water quality standards	\$75.00
8.16.020	Use of water from roundhouse site.	\$75.00
8.20.030	Transportation of explosives	\$75.00
8.20.040	Storage of explosives	\$75.00
8.20.050	Notice of detonation of explosives	\$75.00
8.20.060	Statutes and regulations incorporated by reference	\$75.00
8.24.010	Materials that may be burned	\$75.00
8.24.020	Restrictions on controlled burns	\$75.00
8.24.040	Notice to fire department required	\$75.00
8.28.020	Prohibited materials	\$75.00
8.28.030	Deposit in receptacle	\$75.00
8.32.040	Transporting litter	\$75.00
8.32.050	Abatement of litter on private property	\$75.00
8.32.060	Distribution of handbills	\$75.00
8.32.070	Posting on public structures prohibited	\$75.00

Section 4. Cordova Municipal Code 1.28.085 is amended by adding the following after the table headed, “Water—Rates”:

Garbage		
Code Ref.	Code Title	Fine per Day
14.20.030	Refuse collection required	\$75.00
14.20.060	Refuse collection—obstructions prohibited	\$75.00
14.20.070	Refuse collection—delivery to disposal site or incinerator	\$75.00
14.20.080	Containers—specifications	\$75.00
14.20.090	Containers—location	\$75.00
14.20.100	Containers—depositing other than refuse prohibited	\$75.00
14.20.110	Containers—unauthorized use prohibited	\$75.00
14.20.120	Garbage—unauthorized transport prohibited	\$75.00
14.20.130	Garbage—vehicle requirements	\$75.00
14.20.170	Trespassing, removal of material from refuse disposal site	\$75.00

Section 5. Cordova Municipal Code Title 8 is repealed and reenacted to read as follows:

Title 8 - HEALTH AND SAFETY

Chapters:

- Chapter 8.04 - ANIMALS
- Chapter 8.08 - NUISANCES
- Chapter 8.12 - AIR POLLUTION
- Chapter 8.16 - WATER POLLUTION
- Chapter 8.20 - EXPLOSIVES
- Chapter 8.24 - CONTROLLED BURNS
- Chapter 8.28 - BURN PILE
- Chapter 8.32 - LITTERING

Chapter 8.04 - ANIMALS

Sections:

- 8.04.010 - Definitions
- 8.04.020 - Fees.
- 8.04.030 - Animal control officers; powers and duties
- 8.04.040 - Dog license required.

- 8.04.050 - Dog license tag—Display.
- 8.04.060 - Dog license tag—Duplicate.
- 8.04.070 - Dog license not transferable.
- 8.04.080 - Provisional dog license.
- 8.04.090 - Dog license—Retention of records.
- 8.04.100 - Control and confinement of dogs.
- 8.04.110 - Control and confinement of cats.
- 8.04.120 - Control of other animals
- 8.04.130 - Disease control.
- 8.04.140 - Impoundment.
- 8.04.150 - Statement of surrender.
- 8.04.160 - Accident involving injury to an animal.
- 8.04.170 - Trapping.
- 8.04.180 - Prohibitions.

8.04.010 – Definitions. In this chapter:

- A. "Animal means all members of the Phylum Cordata, Subphylum Vertebrata, excluding nondomestic animals and humans, unless otherwise specifically stated.
- B. "Animal shelter" means a premises designated by the city manager for the impounding and caring for animals under the authority of this chapter.
- C. "Cat" means a domestic or domesticated member of the family Felidae.
- D. "Dog" means any domestic or domesticated member of the family Canidae.
- E. "Euthanize" means putting to death in a rapid, humane manner.
- F. "Harboring" means to occupy a premises in which an animal is kept or to which it customarily returns daily for food and care.
- G. "Intact" means an animal that has not been rendered sterile by surgical means.
- H. "Leash" means a cord, strap or chain attached to a collar or harness worn by an animal that is of sufficient strength to prevent the animal from moving beyond its length.
- I. "Owner" means, with regard to an animal, a person who possesses or harbors the animal.
- J. "Rabies vaccination" means inoculation with an approved rabies vaccine by a person authorized to administer the vaccine.
- K. "Restrain" means to keep an animal on its owner's premises, in an enclosed vehicle or on a leash.
- L. "Sterile" means rendered incapable of reproduction by surgical operation.
- M. "Trap" means any device designed or used to kill or capture an animal, and that operates without direct human control.
- N. "Trapping" means the placing or setting of a trap.
- O. "Veterinary hospital" means any establishment maintained and operated by a licensed veterinarian for the treatment of diseased or injured animals.
- P. "Vicious dog" means a dog that bites or attacks a human being or an animal without provocation.

8.04.020 - Fees. Except as this chapter provides otherwise, all fees required in this chapter shall be in the amount that the council determines by resolution from time to time.

8.04.030 - Animal control officers; powers and duties.

A. The city manager shall appoint a chief animal control officer to administer and enforce the provisions of this chapter, and one or more deputy animal control officers to administer and enforce the provisions of this chapter under the supervision of the chief animal control officer. The chief animal control officer and each deputy animal control officer is a peace officer as defined in AS 01.10.060(a)(7)(F), and is authorized to issue citations for any violation of this chapter in the manner provided by AS 12.25.180—12.25.230.

B. The chief animal control officer shall administer the animal shelter. If the city contracts with a private person or entity to perform the functions of the animal shelter, the chief animal control officer shall be the head of the department charged with administration of the contract, and may delegate to the contractor those powers of the chief animal control officer which are necessary to the performance of the contract and which lawfully may be delegated to a private person or entity.

8.04.040 - Dog license required.

A. Except as provided in subsection B of this section:

1. No person may own or have custody of a dog six months of age or older without obtaining and displaying a city dog license for the dog as required by this chapter; and
2. No person may receive ownership or custody of a dog over the age of six months by sale, gift or other means without obtaining and displaying a city dog license for the dog as required by this chapter within fifteen days after receiving ownership or custody of the dog.

B. The licensing requirement in subsection A of this section does not apply to a dog currently licensed by another government entity that is present in the city for less than 30 consecutive days.

C. A person who is required to obtain a dog license under this chapter shall apply to the city for the license on a form approved by the city manager, and shall accompany the application with the license fee and the rabies vaccination certificate required in subsection D of this section. The application shall include at least the following information:

1. The number and date of issuance of the dog license;
2. The name of the dog;
3. The telephone number and address of the owner;
4. The breed, color, age and sex of the dog;
5. Whether the dog is spayed or neutered;
6. The expiration date of the dog's rabies vaccination and the vaccination certificate number, and
7. The location and description of any identification on the dog

D. The city shall not issue a dog license unless the dog has been vaccinated with a State of Alaska approved rabies vaccine by a licensed veterinarian or by a State of Alaska rabies lay-vaccinator, the license applicant submits a completed State of Alaska rabies vaccination certificate, and the period of immunization has not expired.

E. The fee for renewal of a dog license is payable before each December 31 for the succeeding calendar year. The fee for a dog license is not prorated when paid during a calendar year.

8.04.050 - Dog license tag—Display. For each licensed dog, the city manager shall issue a dog license tag in the form and color prescribed by the National Association of State Public Health Veterinarians, Inc., stamped with a serial number and the year and city and state of issuance. The dog license tag shall be worn by the licensed dog at all times, attached to a collar, harness or similar device.

8.04.060 - Dog license tag—Duplicate. The owner of a licensed dog shall obtain from the city manager a new license tag to replace a license tag for the dog that is lost or destroyed.

8.04.070 - Dog license not transferable. The person to whom a dog license is issued may not transfer the dog license to another person, and no person may attach a dog license tag to a dog other than the dog for which the tag was issued.

8.04.080 - Provisional dog license. If at the time the owner of a dog applies for a dog license and the owner has no rabies vaccination certificate for the dog and no person in Cordova authorized to vaccinate a dog for rabies is available to do so, the city may issue the owner a provisional dog license in lieu of a regular dog license. The provisional license shall be valid for a period of 90 days. The same information shall be recorded for a provisional dog license as for a regular dog license. For each provisional dog license, the city manager shall issue a metal tag stamped with a serial number and the word "provisional," which shall be displayed in the same manner as a regular dog license. Provisional dog license fees are non-re-fundable.

8.04.090 – Dog license—Retention of records. The owner of a licensed dog shall retain the dog license receipt and rabies vaccination certificate for the dog for inspection by any person charged with the enforcement of this chapter.

8.04.100 - Control and confinement of dogs. Dogs shall be controlled and confined as follows:

A. Except in the UR unrestricted zoning district, the owner of a dog shall confine the dog on the owner's property, and when the dog is not on the owner's property, keep the dog at all times on a leash, in a kennel or other suitable enclosed container, or in an enclosed vehicle.

B. In the UR unrestricted zoning district, the owner of a dog shall prevent the dog from entering another person's property, but otherwise need not confine or restrain the dog.

C. The owner of a dog shall maintain all structures, pens and yards where the owner keeps the dog, and all areas adjacent thereto, in a clean and sanitary condition and free from objectionable odor.

D. The owner of an intact female dog in heat or during ovulation shall confine the dog in such a manner that it cannot come into contact with a male dog except for planned breeding purposes.

E. The owner of a vicious dog at all times shall either confine the dog in a building or a secure enclosure, or secure the dog, as with a muzzle, so it cannot injure other animals, persons or property. The owner of a vicious dog shall post a sign at the entrance to any premises where the dog is kept that warns the public of the vicious nature of the dog.

F. The owner of a dog shall prevent the dog from engaging in the following activities:

1. Biting or attacking a person;
2. Chasing passersby or passing vehicles;
3. Attacking other animals;
4. Damaging private or public property;
5. Barking, whining or howling continuously for a period exceeding 15 minutes;

and

6. Defecating on property other than the property of the owner.

G. No person other than an officer performing duties under this chapter may release a dog from confinement or restraint without its owner's consent, except to preserve the dog's life.

8.04.110 - Control and confinement of cats. Cats shall be controlled and confined as follows:



A. The owner of a cat shall confine the cat on the owner's property, and when the cat is not on the owner's property keep the cat at all times in a kennel or other suitable enclosed container, or in an enclosed vehicle.

B. The owner of a cat shall maintain all structures, pens and yards where the owner keeps the cat, and all areas adjacent thereto, in a clean and sanitary condition and free from objectionable odor.

C. The owner of an intact female cat in heat or during ovulation shall confine the cat in such a manner that it cannot come into contact with a male cat except for planned breeding purposes.

D. The owner of a cat shall prevent the cat from engaging in the following activities:

1. Attacking other animals;
2. Damaging private or public property; and
3. Defecating on property other than the property of the owner.

8.04.120 - Control of other animals. No person owning or having charge of an animal other than a dog or cat that is kept as livestock or a pet may permit the animal to roam at large. The owner of any such animal shall maintain all structures, pens and yards where the owner keeps the animal, and all areas adjacent thereto, in a clean and sanitary condition and free from objectionable odor.

8.04.130 - Disease control.

A. Vaccinations. Every person owning or harboring an animal that is required by law to be vaccinated shall have the animal vaccinated

B. Proof of Vaccination. No person who owns or harbors an animal that is required by law to be vaccinated may fail or refuse to exhibit the owner's copy of a completed State of Alaska vaccination certificate for the animal to any person charged with enforcing this chapter upon demand.

C. Duty to Report Bites. A person bitten by an animal required to be vaccinated by law, the owner of the animal, and any health care provider who treats an animal bite, shall immediately report the incident to the department of public safety.

D. Quarantine of Animal. Any animal required to be vaccinated by law that has bitten a person shall be confined and observed as required by 7 AAC 27.022. No owner of an animal that is reported to have bitten a person may fail or refuse to produce the animal upon demand of an officer enforcing this chapter for confinement and observation under this subsection.

E. Removal or Destruction of Animal Subject to Quarantine. While an animal is subject to quarantine under this section, no person may remove the animal from the place of quarantine or destroy the animal without the written consent of the city manager.

8.04.140 - Impoundment.

A. Animals Subject to Impoundment.

1. An animal found in violation of a provision of this chapter shall be impounded and placed in the Cordova Animal Shelter and the owner of the animal shall be issued a summons and citation.

2. When an officer can determine the identity of the owner of an animal in violation of a provision of this chapter, and the animal can be returned immediately to the custody of the owner, the officer shall issue a summons and citation to the owner and release the animal to the owner.

B. First and Second Impoundment. As soon as practicable after the first or second impoundment of an animal for a violation of a provision of this chapter the owner of the animal shall be notified by telephone or mail. The owner of the animal or a person having the owner's written authorization may redeem the animal from impoundment upon payment of all applicable fees and

fines. If an animal is not redeemed within five days after the date of notice of impoundment was given, it shall be deemed abandoned.

C. Third and Subsequent Impoundment. An animal that has been impounded more than two times is not subject to redemption and shall be deemed abandoned.

D. Disposition of Abandoned Animals. The city manager may place for adoption an animal that is deemed abandoned under subsection B or C of this section. The city manager shall not place for adoption any animal known to be vicious or diseased. A person other than the owner of the animal at the time of its impoundment may adopt an animal that has been placed for adoption by paying all applicable fees.

E. The city shall not disclose the identity of a person who adopts an animal from the Cordova Animal Shelter unless the city manager determines that the public health, safety or welfare requires the disclosure.

F. The city manager shall euthanize an animal that is not eligible for adoption, or that has not been adopted within a time that the city manager deems reasonable after its placement for adoption.

G. No person may remove an impounded animal from the Cordova Animal Shelter without the written authorization of the city manager.

8.04.150 - Statement of surrender. A person who brings an animal to the Cordova Animal Shelter may request that the animal to be euthanized upon signing the following statement:

"I certify that I own/am the authorized agent of the owner of the animal described on this form. I hereby surrender all interests, if any, of the owner thereof to the City of Cordova and I request that the animal be disposed of as seems advisable in the discretion of the City Manager. I agree that neither the City of Cordova nor any of its officers or employees will incur any obligation to me on account of such disposition. I certify that the animal has/has not bitten any animal or human within the last fourteen (14) days."

8.04.160 - Accident involving injury to an animal. The driver of a vehicle involved in an accident resulting in injury to an animal shall stop the vehicle as close to the scene of the accident as possible and forthwith inform the department of public safety of the time and location of the accident, a description of the injured animal and the apparent nature of the injury.

8.04.170 - Trapping. No person may engage in trapping in the city, except as provided in this section. Trapping is permitted:

A. Within an enclosed structure, by, or with the permission of, a person who owns or is in lawful possession of the structure, using traps of any size and type;

B. In the area within the city limits as of February 1993, and not within the parks and open space zoning district established under Title 18 of this code:

1. Using live traps of any size, and boxed or contained body gripping traps with jaw spreads less than 4.5 inches, with each trap placed a minimum of four feet off the ground and checked on a regular basis, but at least once every seventy-two hours; and

2. Using completely submerged traps of any size and type;

C. In the area annexed to the city on and after March 1993, and not within the parks and open space zoning district established under Title 18 of this code:

1. Within one hundred yards of the right-of-way of any publicly maintained road including without limitation the following roads: Copper River Highway, Sheridan Glacier

Road, Whitshed Road, Cabin Lake Road and Power Creek Road, using body gripping traps with jaw spreads of less than 4.5 inches, leg-hold traps with outside jaw spreads not exceeding 5 inches, and completely submerged traps of any size and type, and

2. More than one hundred yards from the right-of-way of any publicly maintained road, using traps of any size and type.

8.04.180 - Prohibitions. No person may:

A. Make, use or possess a stolen, counterfeit or forged dog license receipt, dog license tag, rabies vaccination certificate or other document or certificate required by this chapter;

B. Interfere with, molest, hinder or prevent any lawful authority from enforcing the provisions of this chapter;

C. Interfere with, molest, hinder or prevent any health officer, licensed physician or licensed veterinarian from performing duties required under this chapter;

D. Fail to comply with any quarantine required by this chapter; or

E. Otherwise fail to obey or comply with any other provision of this chapter or any rule, order or regulation issued thereunder.

## Chapter 8.08 - NUISANCES

Sections:

8.08.010 - Creation or maintenance prohibited.

8.08.020 - Designated.

8.08.030 – Nuisance abatement.

8.08.010 - Creation or maintenance prohibited. No person may create or maintain a public nuisance, or permit a public nuisance to occur on property that the person owns or controls.

8.08.020 - Designated. In addition to public nuisances under other provisions of law or this code, the following are public nuisances:

A. The keeping of a place where activities are conducted in violation of law;

B. All ditches, drains, wells, pools, cisterns, bodies or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned or situated as to endanger the public health or safety;

C. Rank weeds or grass, carcasses, accumulations of manure, refuse or other things, which are, or are likely to be, breeding places for flies, mosquitoes, vermin or disease germs;

D. Any pit, hole or excavation which is so constructed, formed, conditioned and/or situated as to endanger public safety;

E. Plowing or dumping of snow from a premises upon a city street or other public property without prior written authorization from the city manager.

F. Permitting or enabling any premises to be inhabited by one or more feral cats. A feral cat is a descendant of a domesticated cat that has returned to the wild, as distinguished from a domesticated cat that has been lost or abandoned.

8.08.030 – Nuisance abatement.

A. The city manager, any other city official or a city resident may submit to the city council a written statement describing an alleged public nuisance, and requesting that it be abated.

B. Except as provided in subsection E of this section, the city manager shall give written notice of the public nuisance allegation to the owner of the property that is the location of the alleged

public nuisance, and to any other person alleged to be responsible for causing the public nuisance. The notice shall be given by certified mail, return receipt requested, and by posting at the location of the alleged nuisance, describing the alleged nuisance and stating that the nuisance will be abated unless the recipient of the notice requests a hearing in writing within 20 days after the date of the notice.

C. Within 20 days after a timely request for a hearing, a hearing officer shall hold a public hearing on whether the alleged public nuisance exists, and whether the public nuisance should be abated under this section. Notice of the hearing shall be given in the same manner as notice of the public nuisance allegation. At the hearing, each participant may present its own evidence and cross-examine other parties' witnesses. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person requesting abatement of the public nuisance shall bear the burden of establishing that the public nuisance exists and that it should be abated under this section. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision and reasons therefor shall be provided to the person requesting abatement of the public nuisance and the owner of the property where the alleged nuisance is located and to any other person responsible for causing the public nuisance.

D. If the hearing officer finds that a public nuisance exists, the hearing officer shall direct the owner or other person responsible for causing the public nuisance to abate it within a specified time. If the owner or other person responsible for causing the public nuisance does not abate it within the specified time, the city manager shall abate the public nuisance, at the expense of the property owner or other responsible person.

E. The city manager may abate a public nuisance that constitutes a grave and immediate danger to the public peace, health, safety, morals, or welfare, without a prior hearing under subsection B of this section.

F. The city manager shall keep an account of the cost of the abating a public nuisance. The costs and expenses incurred by the city in such abatement shall be chargeable to the owner or other responsible person, and may be recovered by the city in a civil action.

G. The procedure for abating a public nuisance in this section is cumulative and in addition to any other procedure authorized by law.

Chapter 8.12 - AIR POLLUTION

Sections:

8.12.010 - Provisions adopted by reference.

8.12.010 - Provisions adopted by reference. Chapter 50, Title 18, of the Alaska Administrative Code, establishing regulations and minimum standards for air quality in Alaska, is adopted by reference as part of this code.

Chapter 8.16 - WATER POLLUTION

Sections:

8.16.010 - Provisions adopted by reference.

8.16.020 - Use of groundwater from roundhouse site prohibited.

8.16.010 - Provisions adopted by reference. Chapter 70, Title 18, of the Alaska Administrative Code, establishing regulations and minimum standards for water quality in Alaska, is adopted by reference as part of this code.

8.16.020 - Use of groundwater from roundhouse site prohibited.

A. No person may use groundwater from the area of the former Cordova Copper River Railroad Roundhouse site, described as follows:

Lots 4, 5, and 6 of Block 2 and Lots 7B and 8A of Block 5, Odiak Park Development, located in the NE 1/4 of Section 28, Township 15 South, Range 3 West, Copper River Meridian, at Latitude 60 32'28.0" and Longitude 145 44'40.0".

B. Prohibited uses of groundwater include without limitation domestic or commercial water service, water for irrigating lawns, gardens or shrubbery, and water for washing vehicles.

Chapter 8.20 - EXPLOSIVES

Sections:

8.20.010 - Purpose of chapter.

8.20.020 - Application of chapter.

8.20.030 - Transportation of explosives.

8.20.040 - Storage of explosives.

8.20.050 - Notice of detonation of explosives.

8.20.060 - Statutes and regulations incorporated by reference.

8.20.010 - Purpose of chapter. The purpose of this chapter is to provide for the health and safety of persons in the city by regulating the transportation, storage and detonation of explosives in the city.

8.20.020 - Application of chapter. The provisions of this chapter do not apply to any of the following:

A The possession, transportation, storage or use of small arms ammunition, commercially manufactured sporting black powder, smokeless propellant and small arms primers; and

B. The possession, transportation, storage or use of fireworks that are subject to regulation under Chapter 6.30 of this code.

8.20.030 - Transportation of explosives.

A. At least four hours before commencing the transportation of any quantity of Class 1.1 explosives, the transporter shall notify the department of public safety of the intended route and timing of the transportation and the type of explosives being transported.

B. A vehicle transporting explosives shall bear the placards and markings required by regulations of the United States Department of Transportation

8.20.040 - Storage of explosives. Explosives may not be stored in a quantity exceeding one thousand pounds or for a period exceeding forty-eight hours without notice first being given to the police department stating the location of the storage, the quantity and class of explosives being stored, the anticipated duration of their storage, and a twenty-four hour per day contact telephone number for a person in charge of the storage.

8.20.050 - Notice of detonation of explosives. No person may cause explosives to be detonated without giving the police dispatch center one hour prior notice of the detonation.

8.20.060 - Statutes and regulations incorporated by reference. In addition to the requirements stated in the other sections of this chapter, the possession, transportation, storage and use of explosives are subject to the following statutes and regulations, as amended from time to time, which are incorporated in this chapter by reference:

- 27 Code of Federal Regulations Part 555;
- 29 Code of Federal Regulations Part 1926, Subpart U;
- 49 Code of Federal Regulations Part 177;
- Alaska Statutes Chapter 08.52;
- 8 Alaska Administrative Code Chapter 62.

## Chapter 8.24 - CONTROLLED BURNS

Sections:

- 8.24.010 - Materials that may be burned.
- 8.24.020 – Restrictions on controlled burns.
- 8.24.030 - Responsibility for damage or injury.
- 8.24.040 - Notification to department of public safety required.
- 8.24.070 - Nuisance defined.
- 8.24.080 - Violation.

8.24.010 – Materials that may be burned. The outdoor burning of only the following materials is permitted under this chapter:

- A. Yard debris such as leaves, grass, brush and branches;
- B. Cardboard and paper; and
- C. Wood material stripped of all other materials.

8.24.020 – Restrictions on controlled burns. Controlled burns are limited to

- A. Burn piles 6 feet by 4 feet or smaller that are located 25 feet away from any structure
- B. Burn piles larger than 6 feet by 4 feet that are located 100 feet away from any structure
- C. Locations that minimize the amount of smoke blowing to neighboring properties.
- D. Times when weather conditions are not conducive to fire hazard.
- E. Times when attended by an adult having a charged water hose readily available to extinguish the fire.

8.24.030 - Responsibility for damage or injury. The person conducting a controlled burn under this chapter is responsible for any damage or injury caused by the fire.

8.24.040 - Notification to fire department required. No person may ignite a controlled burn without first notifying the fire department stating the time of the expected ignition, location and duration of the controlled burn.

8.24.050 - Nuisance defined. A controlled burn that generates smoke that prevents a neighboring property owner from enjoying the owner's property is a nuisance and must be extinguished immediately upon request of the fire department.

## Chapter 8.28 - BURN PILE

Sections:

- 8.28.010 - Burn pile defined.
- 8.28.020 - Prohibited materials.
- 8.28.030 - Lighting of burn pile prohibited.

8.28.010 - Burn pile defined. In this chapter, "burn pile" means a location that the city provides for the public to dispose of paper, cardboard, wood or brush.

8.28.020 - Prohibited materials.

- A. No person may dispose of any material at the burn pile that does not consist solely of loose paper contained within a cardboard box or other burnable container, cardboard, wood or brush.
- B. All material that is not a wood product must be removed from wood that is disposed of at the burn pile; and the non-wood material must be disposed of in accordance with instructions from the baler facility.
- C. The city may inspect material delivered to the burn pile for prohibited materials and may refuse permission to dispose of prohibited material at the burn pile.

8.28.030 - Lighting of burn pile prohibited. No person other than an authorized city employee may light the burn pile.

Chapter 8.32 - LITTERING

Sections:

- 8.32.010 - Litter defined.
- 8.32.020 - Littering prohibited.
- 8.32.030 - Deposit in receptacle.
- 8.32.040 - Transporting litter.
- 8.32.050 - Abatement of litter on private property.
- 8.32.060 - Distribution of handbills.
- 8.32.070 - Posting on public structures prohibited.

8.32.010 - Litter defined. In this chapter, "litter" means any garbage, trash, waste or discarded material including without limitation discarded food, animal and vegetable matter, fish or animal carcasses or parts, offal, animal or human feces, waste paper, newspaper or magazines, bottles or cans, containers or wrappers, boxes, paper or plastic cartons, motor vehicle or marine vessel parts, oil, building or construction materials, stagnant water or any filthy liquid or substance that is or may become putrid or offensive or a threat to the health and safety of the public.

8.32.020 – Littering prohibited. No person may throw or deposit litter:

- A. In or upon a street, sidewalk or other public place;
- B. In or upon a public park;
- C. In or upon a fountain, lake, stream, bay or any other body of fresh or salt water;
- D. In or upon private property, occupied or not, whether owned by the person or not;
- E. From a motor vehicle or aircraft;
- F. From any accumulation of litter on private property, by sweeping or otherwise, into or upon any gutter, street or other public place.

8.32.030 – Deposit in receptacle. Nothing in Section 8.32.020 prohibits a person from depositing litter in a receptacle provided for its for collection in such a manner that it will be prevented

from being carried or deposited by birds, animals or the elements upon any street, sidewalk, public place, water body or private property; provided that no person may deposit a dead animal or other putrid matter in a litter receptacle.

8.32.040 - Transporting litter.

A. No person may drive or move a motor vehicle carrying litter or material that would become litter upon discharge from the vehicle, except where such litter or other material is enclosed within the vehicle or covered or restrained in a manner that will prevent its discharge from the vehicle.

B. No person may drive or move a motor vehicle whose wheels or tires may deposit on a street, alley or other public place mud, muck dirt, litter or foreign matter of any kind.

C. A person who is operating or otherwise in charge of a motor vehicle, upon observing that the vehicle is discharging litter, immediately shall take all steps necessary to prevent any additional discharge, and collect and properly dispose of any litter so discharged.

D. A person operating or otherwise in charge of a motor vehicle who for any reason except personal injury is unable to prevent the discharge of litter from the motor vehicle or collect and dispose of the discharged litter, immediately shall report such discharge of litter to the city. The city may respond to the report by collecting and disposing of the litter at the expense of the person operating or otherwise in charge of the vehicle.

8.32.050 - Abatement of litter on private property. The owner or person in control of private property shall at all times maintain the property free of litter, except for the storage of litter in authorized receptacles for collection. The city manager may abate a violation of this section in the manner provided for abatement of a public nuisance in Section 8.08.030.

8.32.060 - Distribution of handbills. No person may deposit a handbill:

A. In or upon any sidewalk, street or other public place;

B. Upon any parked vehicle;

C. In or upon any private premises which is uninhabited or vacant; or

D. In or upon any private premises if an occupant requests the person not to do so or declines to accept the handbill, or if the premises bears in a conspicuous position near the entrance a sign stating the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," "No Soliciting" or words of similar import.

8.32.070 - Posting on public structures prohibited. No person may post or affix any notice, poster, sign or similar item to any signpost, lamppost, utility pole or tree, upon any public structure or building, or in or upon any public right-of-way, except as may be authorized or required by law.

Section 6. Cordova Municipal Code Chapter 14.20 is enacted to read as follows:

Chapter 14.20 – GARBAGE

Sections:

14.20.010 - Purpose.

14.20.020 - Definitions.

14.20.030 - Refuse collection required—Fees.

14.20.040 - Refuse collection—Service type and frequency.

14.20.050 - Refuse collection—schedule of collection routes.

14.20.060 - Refuse collection—Obstructions prohibited.

14.20.070 - Refuse collection—Delivery to disposal site or incinerator.



- 14.20.080 - Containers—Specifications.
- 14.20.090 - Containers—Location.
- 14.20.100 - Containers—Depositing other than refuse prohibited.
- 14.20.110 - Containers—unauthorized use prohibited.
- 14.20.120 - Garbage—unauthorized transport prohibited.
- 14.20.130 - Garbage—vehicle requirements.
- 14.20.140 - Rubble—collection and disposal
- 14.20.150 - Fees for collection and disposal.
- 14.20.160 - Refuse rate collection.
- 14.20.170 - Trespassing, removal of material from refuse disposal site.
- 14.20.180 - Violation.

14.20.010 - Purpose. The purpose of this chapter is to provide for the collection and removal of garbage and refuse within the corporate limits of the city to protect the health and well-being of the inhabitants of the city.

14.20.020 - Definitions. In this chapter:

- A. "Authorized collector" means a person with whom the city has contracted or whom the city has licensed to collect and dispose of refuse.
- B. "Bag" means a refuse bag constructed of either polyethylene or paper approved by the city manager for indoor and outdoor storage of dry, wet and flammable refuse.
- C. "Commercial service" means service that is not residential service.
- D. "Container" or "can" means a sturdy receptacle, either furnished by the city or approved by the city manager for refuse collection for commercial or residential service.
- E. "Customer" means a person who establishes an account with the city for the collection and disposal of refuse.
- F. "Dwelling unit" means a structure or portion thereof providing independent and complete cooking, living, sleeping and toilet facilities for one or more persons living as a single housekeeping unit, as distinguished from a group occupying a rooming house, dormitory or hotel.
- G. "Garbage" means food waste.
- H. "Holiday" means a recognized city holiday under Section 4.48.040.
- I. "Refuse" means all forms of solid waste including garbage and rubbish, but excluding rubble.
- J. "Residential service" means service to one or more dwelling units.
- K. "Rubbish" means grass clippings, hedge trimmings under three feet in length, paper and small light scrap lumber.
- L. "Rubble" means brushwood, heavy yard trimmings which cannot be conveniently cut into three-foot lengths, discarded fence posts, ashes, cinders, street sweeping, catch basin muck, concrete, mortar, stones, bricks, scrap metal or other similar construction materials, trees or materials resulting from the erection or destruction of buildings.

14.20.030 - Refuse collection required—Fees.

- A. The city shall provide refuse collection and disposal within the city subject to and in accordance with the provisions of this chapter.
- B. A person who owns or occupies a premises where refuse is generated shall contract with the city or its authorized collector for refuse collection service and pay the fee therefor prescribed by the council by resolution from time to time, unless exempted from the collection requirement by the city manager.

14.20.040 - Refuse collection—Service type and frequency. The city or its authorized collector shall collect and remove refuse from customers' premises according to the following schedule:

A. Residential service shall consist of the removal of refuse from containers weighing not more than 75 pounds when full, a minimum of once weekly. When a holiday is observed on the normal day of collection, the collection will be made the following day.

B. Commercial service shall consist of the removal of refuse either from containers weighing not more than 75 pounds when full, or from bulk storage containers, once daily except Sundays and holidays, or as frequently as the owner or the city manager determines to be necessary.

14.20.050 - Refuse collection—schedule of collection routes. The city or its authorized collector shall maintain on file with the city manager a current schedule of its refuse collection routes, and the city or the authorized collector shall follow the routes shown in that schedule.

14.20.060 - Refuse collection—Obstructions prohibited. No person may obstruct the collection of refuse required under this chapter from premises owned or controlled by the person, including without limitation by the presence of excessive snow, vicious animals or parked vehicles. The city or its authorized collector need not collect refuse from a premises where such an obstruction is present.

14.20.070 - Refuse collection—Delivery to disposal site or incinerator. All refuse that is collected in the city shall be delivered to a city-approved disposal site or incinerator, and deposited there in the place and manner designated by the city manager.

14.20.080 - Containers—Specifications.

A. A person owning or controlling a premises from which refuse collection is required shall provide a sufficient number of containers having a capacity of twenty to thirty-three gallons for the storage of refuse before its collection.

B. A person owning or controlling a premises that generates a quantity of refuse that is impractical to store in containers described in subsection A of this section, shall maintain a sufficient number of metal bulk refuse storage containers of a type approved by the city manager for the storage of refuse before its collection.

C. The owner or occupant of a premises where refuse is generated shall place the daily accumulation of refuse from the premises other than rubbish in a container provided under this section, eliminating as far as possible all liquid from the refuse and securely wrapping the refuse in an impermeable bag before placing it in the container.

D. The owner or occupant of a premises where rubbish is generated shall place the rubbish for collection in front of the premises near the back of the curb or edge of the roadway in a location easily accessible for the collector.

14.20.090 - Containers—Location. Before the time for refuse collection, the owner of a premises shall place all containers of refuse for collection in plain view at the same accessible location on the premises no less than 50 feet from the nearest roadway. The containers shall be placed at ground level or on an open platform or porch not more than four feet above the adjacent roadway, so that they may be reached from the ground by the collector. If the premises abuts a public alley, the containers shall be placed immediately adjacent to the alley. If the premises does not abut a public alley, but is served by a private driveway, the containers shall be placed immediately adjacent to the driveway.

14.20.100 - Containers—Depositing other than refuse prohibited. No person may deposit any material other than refuse in a container from which refuse is to be collected under this chapter. The city or its authorized collector need not collect refuse from a container that holds material other than refuse.

14.20.110 - Containers—unauthorized use prohibited. No person may deposit refuse in a refuse container provided for the use of another premises, owner or occupant without the permission of the person who owns or controls the other premises, or the other owner or occupant.

14.20.120 - Garbage—unauthorized transport prohibited. No person other than the city or its authorized collector may operate a motor vehicle transporting garbage in the city.

14.20.130 - Garbage—vehicle requirements. Garbage may be transported by motor vehicle only in a sanitary, watertight and fly-tight enclosed metal container that is cleaned once during every twenty-four hour period of operation. A vehicle used to transport garbage must be of a size approved by the city manager, and kept in good running order and in a clean, sanitary condition.

14.20.140 - Rubble—collection and disposal A licensed collector or the owner shall collect and dispose of rubble within the city.

14.20.150 - Fees for collection and disposal. The following fees are payable for collection and disposal under this chapter:

A. Hazardous material disposal:

Waste oil	\$0.21/gallon
Batteries 4D & larger	\$11.50 each
Batteries smaller than 4D	\$5.75 each

B. Vehicle disposal:

Autos and light trucks	\$209.00
Autos and light trucks on cleanup day	Free
Large trucks and equipment	\$15.18/cubic yard; \$523.00 minimum
Campers, mobile homes, 32 feet or less	\$173.00
Campers, mobile homes, over 32 feet	\$345.00

Vehicles are accepted only at the seventeen mile landfill with valid current title and certification that all fluids, tires and batteries have been removed.

C. Residential service—once per week.

1-3 35-gallon containers	\$38.72/month
Each additional container	\$2.30/pick-up
Bulk material not in containers	\$5.44/cubic yard

D. Commercial service.

1-3 35-gallon containers, once/week	\$38.72/month
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Dumpster rental:	
3 cu. yd. dumpster	\$23.02/month
4 cu. yd. dumpster	\$31.39/month
6 cu. yd. dumpster	\$46.06/month
8 cu. yd. dumpster	\$61.74/month
Dumpster collection—not compacted	
3 cu. yd. dumpster	\$34.54/each
4 cu. yd. dumpster	\$34.54/each
6 cu. yd. dumpster	70.12/each
8 cu. yd. dumpster	93.14/each

E. Additional services

1. Sunday collection: one and one-half times the regular rate.
2. Holiday collection: twice the regular rate.
3. Residential self-service at baler: \$27.22/month.
4. Dumpster exchange: hourly labor rate.
5. Labor and equipment rates

Vehicle and driver, straight time	\$115.12/hr; \$78.50 minimum
Vehicle and driver, overtime	\$146.52/hr; \$115.12 minimum
Each additional employee, straight time	\$70.12/hr
Each additional employee, overtime	\$93.14/hr

F. Recyclable collection. Cardboard and aluminum must be clean and well separated to be eligible for the reduced rates quoted below.

1. Container rental: one-half regular monthly rate.
2. Container collection one-half of regular rate.
3. Recyclables, clean and well separated, delivered to baler by residential customer: no charge.
4. Recyclables, clean and well separated, delivered to baler by commercial customer: twenty-five percent of regular rate.

G. Tipping Fees at Baler.

Residential and commercial refuse	\$ 5.44/cubic yard
Construction and building materials*	\$7.33/cubic yard
Asbestos materials**	\$104.65/cubic yard
Scrap metal	\$ 15.54/cubic yard
Major household appliances, except refrigerators and freezers	\$7.74 piece
Refrigerators and freezers	46.05 each***

\*paints will be accepted if separated and with prior approval.

\*\*subject to two weeks prior notice and approval.

\*\*\*Charge does not include cost of Freon removal, which must be accomplished before disposal.

H. Boat/hull disposal: Estimated labor & equipment costs as required to prepare for placement in the landfill, plus estimated cubic yardage at construction building material rate.

14.20.160 - Refuse rate collection. The city shall bill and collect refuse rates in accordance with Section 14.04.040.

14.20.170 - Trespassing, removal of material from refuse disposal site. No person may:

- A. Enter or remain in any area at a refuse disposal site that is closed to the public, except in the course of employment by the city or an authorized collector.
- B. Remove refuse or rubble from any site maintained by the city or its authorized operator for refuse disposal without prior authorization from the city manager.

Section 7. Cordova Municipal Code 16.05.010 is amended to read as follows:

16.05.010 - Adoption of codes. The city, pursuant to Section 2-15 of its Home Rule Charter, adopts by reference the following codes of technical regulation:

- A. Uniform Building Code, current adopted state code;
- B. Uniform Mechanical Code, current adopted state code;
- C. Uniform Plumbing Code, current adopted state code;
- D. National Electrical Code, current adopted state code;
- E. Uniform Sign Code, current adopted state code;
- F. Uniform Fire Code, current adopted state code.
- G. 1997 Uniform Code for Abatement of Dangerous Buildings.**

Section 8. Cordova Municipal Code 18.32.010 is amended to read as follows:

18.32.010 - Permitted uses. The following uses are permitted in the I district:

All uses not otherwise prohibited by law, except any residential or commercial use, **and any conditional use.**

Section 9. Cordova Municipal Code 18.32.025 is enacted to read as follows:

18.32.025 - Conditional uses. Subject to the requirements of the conditional use standards and procedures of this title, the following conditional uses may be permitted in the I district:

- A. Junkyards.

Section 10. Cordova Municipal Code 18.60.030 is enacted to read as follows:

18.60.030 - Junkyards. In addition to other applicable requirements, a junkyard conditional use is subject to the following:

- A. An applicant for a junkyard conditional use shall submit a site development plan to the planning and zoning commission containing the information required by the city planner. The

planning and zoning commission shall review the site development plan, taking into account the following:

1. The nature and development of the surrounding property;
2. The need to protect the local economy, adjacent land owners, and the motoring public from economically depressing and unsightly roadside locations;
3. The proximity of the proposed junkyard to churches, schools, hospitals, public buildings, recreation areas, or other places of public gathering;
4. The sufficiency in number of other similar business establishments in the city;
5. The adequacy of fences and other types of enclosures proposed to prevent the unsightly display of the salvage yard;
6. The health, safety, and general welfare of the public; and
7. The suitability of the applicant to establish, maintain or operate such a business

B. A conditional use permit for a junkyard shall require that the junkyard be screened from public view with a privacy fence not less than seven nor more than ten feet in height. Slats in the fence shall be spaced no greater than two inches apart.

Section 11. This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, and published in the Cordova Times, a newspaper of general circulation in the City, within ten (10) days after its passage.

1st reading: March 14, 2013

2nd reading and public hearing: March 20, 2013

**PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF MARCH, 2013.**

\_\_\_\_\_  
James Kallander, Mayor

Attest:

\_\_\_\_\_  
Susan Bourgeois, City Clerk

## MEMORANDUM

**TO: MAYOR AND CITY COUNCIL  
CITY OF CORDOVA**

**FROM: THOMAS F. KLINKNER**

**RE: REVISION OF CORDOVA MUNICIPAL CODE TITLE 14**

**FILE NO.: 401,777.187**

**DATE: MARCH 11, 2013**

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Submitted with this memorandum is an ordinance revising Cordova Municipal Code Title 14, Public Services. At present, Title 14 consists of the following 6 Chapters:

- Chapter 14.04 - UTILITIES GENERALLY
- Chapter 14.08 - WATER SERVICE
- Chapter 14.12 - RESERVED
- Chapter 14.16 - SEWERS
- Chapter 14.24 - CITY CEMETERIES
- Chapter 14.28 - HOSPITAL<sup>1</sup>

As revised, Title 14 consists of the following 5 Chapters:

- Chapter 14.04 – UTILITIES GENERALLY
- Chapter 14.08 – WATER SERVICE
- Chapter 14.12 – SEWER SERVICE
- Chapter 14.20 – REFUSE
- Chapter 14.24 – CITY CEMETERIES

A new Chapter, 14.20, Refuse, has been moved to Title 14 from Title 8, because it concerns the City's refuse collection and disposal services.

Other provisions of Title 14 that should be addressed elsewhere in the Code are moved to their proper location. Violations and penalties are consolidated in Chapter 1.28, Violations (See Ordinance Sections 1 and 2). Provisions regarding the disposal of sewage and waste other than in the City sewer system are moved to a new Chapter 8.36, Wastewater Disposal, in Title 8, Health and Safety (see Ordinance Section 4).

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<sup>1</sup> Present Chapter 14.28, Hospital, was repealed and replaced by Title 15, City Owned Medical Facilities, by Ordinance 1106 adopted February 20, 2013, which will become effective 30 days after its publication.

Finally, Ordinance Section 3 repeals and reenacts Title 14 itself. Chapter 14.04, Utilities Generally, has been rewritten to incorporate all material that concerns all City utility services. Duplicated material in the chapters regarding individual utility services has been deleted. Fees and charges for City utility service will be adopted in the City fee schedule by resolution, so provisions of Title 14 specifying fees and charges for utility service have been deleted. Other changes to Title 14 include matters of substance recommended by the City administration to update utility service requirements and delete obsolete material, as well as changes in style for the purpose of clarity and grammatical correctness.

TFK/



**CITY OF CORDOVA, ALASKA  
ORDINANCE 1108**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA, AMENDING CORDOVA MUNICIPAL CODE SECTION 1.28.085; REPEALING AND REENACTING CORDOVA MUNICIPAL CODE TITLE 14; AND ENACTING CORDOVA MUNICIPAL CODE CHAPTER 8.36; REGARDING CITY UTILITIES AND RELATED MATTERS.**

**BE IT ORDAINED** by the City Council of the City of Cordova, that:

Section 1. Cordova Municipal Code 1.28.085 is amended by adding at the end of the part of the table headed, “Health and Safety” the following:

Code Ref.	Code Title	Fine per Day
8.36.020	Deposit—Objectionable waste prohibited	\$300.00
8.36.030	Deposit—Certain substances prohibited in natural outlet	\$300.00
8.36.040	Private sewage disposal systems	\$300.00

Section 2. Cordova Municipal Code 1.28.085 is amended by deleting the tables headed, “Water—Rates” and “Garbage”, and replacing them with the following:

Public Services		
Code Ref.	Code Title	Fine per Day
14.08.060	Water service—prohibited conduct	\$300.00
14.20.030	Refuse collection required	\$75.00
14.20.060	Refuse collection—obstructions prohibited	\$75.00
14.20.070	Refuse collection—delivery to disposal site or incinerator	\$75.00
14.20.080	Containers—specifications	\$75.00
14.20.090	Containers—location	\$75.00
14.20.100	Containers—depositing other than refuse prohibited	\$75.00
14.20.110	Containers—unauthorized use prohibited	\$75.00
14.20.120	Garbage—unauthorized transport prohibited	\$75.00
14.20.130	Garbage—vehicle requirements	\$75.00
14.20.160	Trespassing, removal of material from refuse disposal site	\$75.00

Section 3. Cordova Municipal Code Title 14 is repealed and reenacted to read as follows:

Title 14 - PUBLIC SERVICES

Chapters:

- Chapter 14.04 – UTILITIES GENERALLY
- Chapter 14.08 – WATER SERVICE
- Chapter 14.12 – SEWER SERVICE
- Chapter 14.20 – REFUSE
- Chapter 14.24 – CITY CEMETERIES

Chapter 14.04 - UTILITIES GENERALLY

Sections:

- 14.04.010 - Definitions

14.04.020 – Utility service fees and charges.

14.04.030 - Responsibility for utility service fees and charges.

14.04.040 - No implied approval.

14.04.050 - Customer account; service agreement; deposit.

14.04.060 – Utility service to tenants.

14.04.070 – Water, sewer and storm water connections.

14.04.080 – Administration of utility service fees and charges.

14.04.090 - Due date and delinquency.

14.04.100 - Billing errors and disputes.

14.04.110 - Temporary discontinuation of service.

14.04.120 - Disconnection.

14.04.130 - Resale of service prohibited.

14.04.140 - Enforcement.

14.04.010 – Definitions. In this title:

"Commercial" means retail establishments, restaurants, hotels, offices, and other establishments engaged in commercial enterprise.

"Connection" means all pipes, fittings and appurtenances for water, sewer or storm drainage between the facility property line and the main.

"Customer" means a person with whom the city contracts to provide utility service.

"Disconnection" means the permanent termination of utility service by the removal of all or part of the connection to a facility.

"Dwelling unit" means one or more rooms designed as a unit for occupancy by not more than one family sharing common living, bath and kitchen areas.

"Facility" means a structure or parcel of real property to which city utility service is provided or to be provided.

"Industrial" means wholesale establishments, canneries, processors, hospitals, and other activities involving the assembling, fabrication, finishing, manufacturing and packaging of tangible personal property.

"Industrial waste" means the liquid wastes from industrial processes as distinct from sewage.

"Main" means city-owned pipes along public streets or rights-of-way used for distributing water or collecting sewage or storm water.

"Month" means a calendar month.

"Multifamily dwelling" means a building that contains two or more dwelling units.

"Professional surveyor" means a person who is registered as a professional land surveyor under the laws of the State of Alaska.

"Service line" means all pipes, fittings and appurtenances for water, sewer or storm drainage between the facility property line and the plumbing of the facility.

"Sewage" means waterborne human wastes or graywater derived from dwelling units and other facilities

"Sewer" means a pipe that carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

"Single-family dwelling" means a building that contains one dwelling unit.

"Storm sewer" means a pipe that carries storm water and surface water and drainage but excludes sewage and polluted industrial wastes.

"Stub-in" means a junction between a main and a connection.

"Tenant" means a person that is occupying or using a facility that the person does not own.

"Utility" means the water, sewer or garbage utility of the city.

“Wholesale establishment” means a place of business primarily engaged in selling or distributing merchandise to purchasers for resale or incorporation in other products or services.

14.04.020 – Utility service fees and charges. Except as this title provides otherwise, the council by resolution shall determine from time to time the amounts of all fees for utility service. Such fees and charges shall be payable in the amount stated in the resolution that is in effect as of the date that payment is due.

14.04.030 - Responsibility for utility service fees and charges. The customer shall be responsible for all fees and charges for utility service to each facility for which the customer has established a customer account under Section 14.04.050, from the time the customer establishes the customer account until the date as of which the customer has discontinued the utility service in accordance with Section 14.04.110. The customer and the owner of the facility shall be jointly and severally responsible for all fees and charges for utility service to a facility of which the customer is not the owner. The owner of a facility remains responsible for all fees and charges for utility service to the facility regardless of the absence of a customer account for the facility, or the establishment or discontinuance of a customer account for the facility.

14.04.040 - No implied approval. The city's provision of utility service to a facility, or charging for that service, does not imply that the use of the facility complies with any other local, state or federal legal requirement.

14.04.050 - Customer account; service agreement; deposit.

A. A person may obtain utility service from the city only after establishing a customer account for the service. There shall be a single customer account for each facility, and only one facility for each customer account. The account is established upon the city's receipt of:

1. A utility service agreement in a form approved by the city, signed by the customer;
2. If the customer does not own the facility that is to be served, the written consent of the owner of the facility required under Section 14.04.060; and
3. The required deposit and administrative fee.

B. The city may require proof of ownership from the person identified in the utility service agreement as the owner of the facility to which service is provided.

C. The deposit required to open a customer account for utility service shall be equal to one and one-half times the monthly cost of each utility service provided to the customer. If the charge for a utility service varies with usage, the city shall determine the deposit amount for that service based on its estimate of that usage. The city may apply the deposit to any delinquent balance on the customer's account, and as a condition of continuing service may require the customer to restore any deposit amount that has been so applied. The city shall return a deposit to the customer if the account has not been delinquent at any time during a period of 24 consecutive months.

14.04.060 - Utility service to tenants.

A. Before a person other than the owner who occupies a facility may establish a customer account for utility service to the facility the person must file with the city the written consent of the owner of the facility in which the owner agrees to pay any delinquent charges for utility service, and any charges for utility service to the facility that accrue after the customer has discontinued the utility service.

B. Except as provided in subsection (A) of this section, a customer account for utility service

to a facility that is a mobile home park, multifamily dwelling or multiple occupancy commercial building must be established by the owner of the facility.

C. The owner of a facility that is a mobile home park, multifamily dwelling or multiple occupancy commercial facility shall be responsible for the maintenance, repair, connection and disconnection of all pipes, fittings and appurtenances for conveying water or wastewater that are located on the owner's property.

D. The owner of a facility that is a mobile home park, multifamily dwelling or multiple occupancy commercial building shall not be required to supply a written consent as required in subsection (A) of this section for water or sewer service to those units of the facility that are equipped with a water service containing an effective water valve readily accessible by city personnel. In such a facility, each tenant will be independently responsible for establishing its individual customer account for utility services.

14.04.070 – Water, sewer and storm water connections.

A. No person may excavate, alter, disturb, connect to, or disconnect from, any city water, sewer or storm water main except as permitted under this section.

B. No person may connect any facility to a city water, sewer or storm water main without first obtaining a permit therefor and paying the applicable connection fee. The owner of the facility or the owner's agent shall apply for the permit on a form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city.

C. No person may change any facility that is connected to the city water or sewer system in a manner that increases substantially the facility's demand for water or sewer utility service without first paying any applicable expansion fee.

D. The city shall construct at the customer's expense any stub-in and connection to a city water, sewer or storm water main that is required to provide service to the customer. The city will commence construction only after receiving from the customer the applicable connection fee and a deposit equal to the city's estimate of the construction cost. The city will determine the actual cost of construction after the construction is completed. If the amount of the customer's deposit exceeds the actual cost, the city shall refund the excess to the customer. If the actual cost exceeds the amount of the customer's deposit, the customer shall pay the excess to the city before the customer will be permitted to connect to the main.

E. The customer shall construct any required service line at the customer's expense, in conformity with the city's standard specifications, or the owner may request that the city install the service line at the customer's expense.

1. If the customer will construct the service line, the customer may commence construction only after paying to the city the connection fee required under subsection (B) of this section, the cost of any necessary stub-in and connection to the water or sewer main as provided in subsection (D) of this section, and the fee prescribed by the city for inspecting the service line construction.

2. If the city will construct the service line, the city will commence construction only after receiving from the customer the fees and costs described in paragraph (1) of this subsection, plus a deposit equal to the city's estimate of the construction cost. The city will determine the actual cost of construction after the construction is completed. If the amount of the customer's deposit exceeds the actual cost, the city shall refund the excess to the customer. If the actual cost exceeds the amount of the customer's deposit, the customer shall pay the excess to the city before the city will commence utility service.

F. The customer is responsible for repairing and maintaining each service line that is connected to the customer's facility, whether the service line is on the property of the customer or the property of another. To determine the extent of the customer's repair and maintenance responsibility, the city will locate the property line of the customer's facility. A customer who disagrees with the city's location of a property line under this subsection may have corners marked or a survey performed by a professional surveyor at the customer's expense to locate the property line. Necessary repair work may proceed while a property line location dispute is being resolved, with the cost of the work being allocated on the basis of a subsequent marking of corners or survey. If a customer does not perform any necessary repair or maintenance of a service line, the city, upon 24 hours' written notice to the customer, or immediately if the public health requires it, may commence such repairs and maintenance and charge the costs thereof to the customer.

G. At the time a water leak within 15 feet of either side of the property line is being repaired, the property owner shall replace or repair any missing or inoperable valve box in the water line that is being repaired.

H. If the city finds that a facility has been connected to the city water, sewer or storm water main without payment of the applicable connection or expansion fee, the city at any time may determine and assess the applicable connection or expansion fee that is in effect at the time of the assessment, plus interest from the date of the connection or expansion until payment at a rate of ten percent per annum or the highest legal interest rate, whichever is less.

14.04.080 – Administration of utility service fees and charges.

A. The city from time to time shall determine the classification and type of utility service provided to a customer based on actual use factors or changes in use.

B. The charge for a partial month of utility service that is payable on a monthly basis shall be computed based on a daily rate.

C. The charge for utility service to a facility that is a single-family dwelling that is payable on a monthly basis shall be reduced by 50 percent for any month in which no person occupies the dwelling other than a person over the age of seventy and that person's spouse, and the prior year's Alaska Permanent Fund Dividend application for each occupant identifies the facility as the occupant's primary place of residence. The presence in a dwelling of one or more visitors for a period no longer than fourteen days in a month does not affect eligibility for this discount.

D. The city shall determine from time to time the use classification of any facility for which charges for utility service are based on its use classification. The city will change the use classification of a facility upon the application of a customer supported by evidence demonstrating to the satisfaction of the city that the change is warranted. A change in use classification shall be subject to any applicable expansion fee.

14.04.090 – Due date and delinquency.

A. Charges for utility service are due and payable no later than 25 days after the end of the month in which the service was provided, and shall be delinquent if not paid on or before the due date.

B. Charges for utility service that have not been paid within 35 days after the date of delinquency are subject to the accrual of the applicable penalty charge

C. The city manager, at his discretion, may authorize a payment plan for a customer whose account is delinquent. The city manager shall submit delinquent accounts for which a payment plan has not been authorized for collection by the method that the city manager determines to be in the best interest of the city.

14.04.100 – Billing errors and disputes.

A. The city will correct any utility billing error which it discovers or of which it is given notice not later than the end of the third billing period after the billing period in which the error occurred. The city shall refund any resulting overpayment to the customer, and bill the customer for any resulting underpayment.

B. A customer may contest the amount of any utility service charge not later than the end of the third billing period after the billing period for which the contested amount was charged, by written notice to the city manager. The written notice shall include without limitation the following information:

1. Identification of the bill on which the contested amount appeared;
2. A statement of the amount that is contested; and
3. A statement of the reasons why the customer believes the contested amount to be in error.

C. The city manager shall respond to a timely notice contesting a utility charge within 10 working days after receiving the notice. A customer that is dissatisfied with the city manager's response may submit the matter to the city council at its next regular meeting occurring at least 10 working days after the date of the city manager's response. The decision of the city council on a disputed utility charge shall be final.

D. Contesting a utility service charge does not affect the obligation to make timely payment of any uncontested utility service charge or portion thereof.

14.04.110 – Temporary discontinuation of service.

A. The city may discontinue any utility service:

1. For which service charges are delinquent after the tenth day of the first month following the date of delinquency;
2. For which there is no utility service billing agreement or for which no customer account has been established; or
3. Which is being used or maintained in violation of any provision of this title.

B. Water service shall be discontinued by turning off the service. Sewer service shall be discontinued by turning off the water service to the facility.

C. At least five working days before discontinuing service under subsection (A) of this section, the city shall provide the customer with written notice by certified or registered mail, return receipt requested, of the discontinuation of service, or shall post notice of the discontinuation of service on the affected facility.

D. The city will discontinue utility service at the request of a customer, upon the customer's payment of the cost of discontinuing the service.

E. During any discontinuation of utility service, the customer shall continue to pay any applicable minimum monthly charge for the service.

F. The city will restore discontinued service at the request of a customer, upon the customer's payment of all unpaid minimum monthly charges that accrued during the period of service discontinuation, all delinquent service charges, penalty and interest, and the cost of discontinuing and restoring the service. The customer shall pay such charges and costs when due, but in any event before the city restores discontinued service.

14.04.120 – Disconnection.

A. The city may permanently disconnect any connection to a facility that has been vacant for a minimum of five years, or to prevent a hazard to public health or safety.

B. The city will permit the record owner to disconnect a connection to a facility that is

vacant of any buildings or improvements. The owner shall bear the cost of removing the connection. Once a connection has been removed, it may not be reinstalled until the owner has applied for and received a permit for the new connection.

C. No utility service charges shall accrue during the time that the utility service is disconnected.

14.04.130 - Resale of service prohibited. No person may resell city utility service without first obtaining the written permission of the city.

14.04.140 – Enforcement.

A. The city manager shall enforce this title. Upon application by a customer showing that compliance with a requirement of this title regarding the customer's facility is unreasonable or impractical, the city manager may waive or vary the requirement upon finding that the waiver or variance will have no adverse effect on the public health, safety or welfare.

B. Every person who owns or occupies a facility connected to a city utility service is subject to the provisions of this title, and the right of the city to discontinue service in the event of the person's failure to comply with the terms and provisions of this title, including without limitation the person's failure to make timely payment of all rates and charges fixed and established in this title.

C. Every person who owns or occupies a facility connected to a utility service shall provide authorized city employees with access to the facility at all reasonable times for investigating violations of this chapter or for conducting routine inspections. Refusal to permit any reasonable inspection or investigation shall be grounds for discontinuance of utility service.

Chapter 14.08 - WATER SERVICE

Sections:

14.08.010 - Water meters.

14.08.020 – Turning water service on and off.

14.08.030 - Water connection required.

14.08.040 - Temporary water service to vessels.

14.08.050 - Use of fire hydrants.

14.08.060 - Prohibited conduct.

14.08.010 - Water meters. Water meters are required for water service to all new commercial and industrial buildings, and upon any major remodeling of an existing commercial or industrial building. Where metered water service is provided, the customer shall pay the city the cost of the water meter and the cost of its installation. Where the city installs a water meter without payment by the customer, the city may recover the cost of the water meter and its installation by charging a monthly fee in addition to charging for water service. The city shall own and control water meters at all times.

14.08.020 – Turning water service on and off. The city shall turn water service on or off subject to payment of the applicable fee.

14.08.030 - Water connection required. The owner of a facility that is located on a lot adjacent to a street, alley or right-of-way where a city water main is located not more than one hundred fifty feet from the nearest point at which the lot adjoins the street, alley or right-of-way must cause the facility to be connected to the water main at the owner's expense within ninety days after official notice to do so.

14.08.040 - Temporary water service to vessels. Water service to a vessel temporarily moored to a dock shall include either a physical separation between the supply hose and the receiving vessel with a width not less than two and one-half times the diameter of the supply hose, or a backflow prevention device approved by the city.

14.08.050 - Use of fire hydrants. No person other than a member of the fire department performing official duties or an authorized employee of the city may connect to, turn on or turn off any fire hydrant without first obtaining a permit from the city.

14.08.060 - Prohibited conduct. No person may:

A. Willfully or knowingly permit the city water supply to be depleted or wasted by causing or permitting water to flow from any pipe, faucet, tap or other outlet except to use the water for residential, commercial or industrial purposes.

B. Draw water from a city water main without first opening a customer account for water service with the city.

C. Pollute, or make unpalatable or unwholesome or unhealthful, any water used, kept or intended for human consumption or domestic purposes.

D. Fail to install a city-approved backflow prevention device required by the city to prevent the backflow of unsanitary material into the city water system.

## Chapter 14.12 – SEWER SERVICE

### Sections:

14.12.010 – Definitions.

14.12.020 – Separate service line required.

14.12.030 - Use of old service line.

14.12.040 - Service line—Excavation.

14.12.050 - Service line—Pipe specifications.

14.12.060 - Service line—Depth and grade.

14.12.070 - Service line—Lifting sewage.

14.12.080 - Service line—Size and slope.

14.12.090 - Service line—Joints.

14.12.100 - Service line—Location.

14.12.110 - Service line—Inspection.

14.12.120 - Grease, oil and sand interceptors.

14.12.130 - Control manhole.

14.12.140 - Preliminary treatment facilities.

14.12.150 - Deposit—Certain waters prohibited in public sewer.

14.12.160 - Deposit—Prohibited wastes designated.

14.12.170 - Measurements, tests and analyses.

14.12.180 – Sewer connection required

14.12.190 - Special agreements.

14.12.010 – Definitions. In this chapter:

"pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.



"Public works director" means the director of public works or the director's designee.

"Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

"Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage or other liquids.

"Wastewater collection and treatment system" means a system including sanitary sewers, sewer mains, pump stations, processing and treatment facilities, holding ponds, etc., all used for the gathering, transporting, and treating of wastewater prior to its re-entry into rivers, streams, or other bodies of water.

14.12.020 - Separate service line required. A separate and independent service line shall be provided for every facility, except that where one facility stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear facility through an adjoining alley, courtyard or driveway, the service line from the front building may be extended to the rear building and the whole considered as one service line.

14.12.030 - Use of old service line. An existing service line that served an abandoned or demolished facility may be used to serve a new facility only when the public works director finds that it meets all requirements of this chapter.

14.12.040 - Service line—Excavation.

A. All excavations for service line installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city

B. All excavations required for the installation of a service line shall be open trench work unless otherwise approved by the public works director. Pipe laying and backfill shall be performed in accordance with specifications for APW project AAA 50-A-43, except that no backfill shall be placed until the work has been inspected.

14.12.050 - Service line—Pipe specifications. The service line shall be extra heavy cast iron, heavy vitrified clay pipe, concrete pipe or bituminized fiber pipe, polyvinyl chloride schedule 40, or acrylonitrile-butadiene-styrene (ABS) Schedule 40 as approved by the city. Joints shall be tight and waterproof. Any part of the service line that is located within ten feet of a water service pipe shall be constructed of cast iron pipe with leaded joints. Cast iron pipe with leaded joints may be required by the public works director where the service line is exposed to damage by tree roots. If installed in filled or unstable ground, the service line shall be of cast iron pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the public works director.

14.12.060 - Service line—Depth and grade. Whenever possible, the service line shall be brought to the facility at an elevation below the basement floor. No service line shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The service line shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe and fittings.

14.12.070 - Service line—Lifting sewage. If a service line is too low to permit gravity flow to the connection, sanitary sewage carried by such service line shall be lifted by approved artificial means for discharge into the connection.

14.12.080 - Service line—Size and slope. The size and slope of the service line shall be subject to

the approval of the public works director, but in no event shall the diameter be less than six inches for cast iron, cement or vitrified clay pipe, or four inches for bituminized fiber pipe, polyvinyl chloride (PVC) or acrylonitrile-butadiene-styrene (ABS). The slope of such pipe shall be not less than one-eighth inch per foot.

14.12.090 - Service line—Joints.

- A. All joints shall be made gastight and watertight.
- B. Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, not less than one inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish or other coating shall be permitted on the jointing material after the joint has been tested and approved.
- C. All joints in vitrified clay pipe or between such pipe and metals shall be made with approved hot-poured jointing material or cement mortar as specified below.
- D. Material for hot-poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subject to a temperature of one hundred sixty degrees Fahrenheit, nor be soluble in any of the wastes carried by the drainage system. The joint shall be first caulked tight with jute, hemp or similar approved material.
- E. Cement joints shall be made by packing a closely twisted jute or oakum gasket of suitable size to fill partly the annular space between the pipes. The remaining space shall be filled and firmly compacted with mortar composed of one part Portland cement and three parts mortar sand. The material shall be mixed dry; only sufficient water shall be added to make the mixture workable. Mortar which has begun to set shall not be used or retempered. Lime putty or hydrated lime may be substituted to the extent of not more than twenty-five percent of the volume of the Portland cement that may be added.
- F. Other jointing materials and methods may be used only by approval of the public works director.

14.12.100 - Service line—Connection. The connection of the service line into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve inches in diameter or less, and no properly located "Y" is available, the owner shall, at his expense, install a "Y" branch in the public sewer at the location specified by the public works director. Where the public sewer is greater than twelve inches in diameter, and no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the service line with entry in the downstream direction at an angle of about forty-five degrees. A forty-five-degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the service line at the point of connection shall be the same or of a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the public works director.

14.12.110 - Service line—Inspection. The applicant for the service line installation shall notify the public works director when the service line is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the public works director.

14.12.120 - Grease, oil and sand interceptors.

- A. Grease, oil and sand interceptors shall be provided when, in the opinion of the public works director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except, that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the public works director, and shall be located so as to be readily and easily

accessible for cleaning and inspection.

B. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

14.12.130 - Control manhole. When required by the public works director, the owner of any facility served by a service line carrying industrial wastes shall install a suitable control manhole in the service line to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the public works director. The manhole shall be installed by the customer at its expense, and shall be maintained by the customer so as to be safe and accessible at all times.

14.12.140 - Preliminary treatment facilities. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously.

14.12.150 - Deposit—Certain waters prohibited in sanitary sewer. No person may discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters into any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the public works director. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the public works director to a storm sewer or natural outlet.

14.12.160 - Deposit—Prohibited wastes designated. Except as provided in this chapter, no person may discharge or cause to be discharged any of the following described waters or wastes into any sanitary sewer:

- A. Any liquid or vapor having a temperature higher than one hundred degrees Fahrenheit;
- B. Any water or waste which may contain more than one hundred parts per million, by weight, of fat, oil or grease;
- C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- D. Any garbage that has not been properly shredded;
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in a sewer or interference with the proper operation of a sewage treatment plant;
- F. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage treatment plant;
- G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;
- H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at a sewage treatment plant;
- I. Any noxious or malodorous gas or substance capable of creating a public nuisance;
- J. Any waters or waste from foundation drains, roof leaders and areaway drains.

14.12.170 - Measurements, tests and analyses. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Section 14.12.160 shall be determined

in accordance with "Standard Methods for the Examination of Water and Sewage" and shall be determined at the control manhole provided for in Section 14.12.130, or upon suitable samples taken at said control manhole. In the event that no control manhole has been required, the control manhole shall be considered to be the nearest manhole in the sewer downstream of the point at which the service line is connected.

14.12.180 – Sewer connection required. The owner of any facility used for human occupancy that is located on a lot adjacent to a street, alley or right-of-way where a city sewer main is located not more than one hundred fifty feet from the nearest point at which the lot adjoins the street, alley or right-of-way must cause the facility to be connected to the sewer main at the owner’s expense within ninety days after official notice to do so.

14.12.190 - Special agreements. Notwithstanding any provision of this chapter, the city may enter into a special agreement with customer under which industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment the fees and charges provided in the agreement.

## Chapter 14.20 – REFUSE

### Sections:

- 14.20.010 - Purpose.
- 14.20.020 - Definitions.
- 14.20.030 - Refuse collection required.
- 14.20.040 - Refuse collection—Service type and frequency.
- 14.20.050 - Refuse collection—schedule of collection routes.
- 14.20.060 - Refuse collection—Obstructions prohibited.
- 14.20.070 - Refuse collection—Delivery to disposal site or incinerator.
- 14.20.080 - Containers—Specifications.
- 14.20.090 - Containers—Location.
- 14.20.100 - Containers—Depositing other than refuse prohibited.
- 14.20.110 - Containers—unauthorized use prohibited.
- 14.20.120 - Garbage—unauthorized transport prohibited.
- 14.20.130 - Garbage—vehicle requirements.
- 14.20.140 - Rubble—collection and disposal
- 14.20.150 - Trespassing, removal of material from refuse disposal site.

14.20.010 - Purpose. The purpose of this chapter is to provide for the collection and removal of garbage and refuse within the corporate limits of the city to protect the health and well-being of the inhabitants of the city.

14.20.020 - Definitions. In this chapter:

"Authorized collector" means a person with whom the city has contracted or whom the city has licensed to collect and dispose of refuse.

"Bag" means a refuse bag constructed of either polyethylene or paper approved by the city manager for indoor and outdoor storage of dry, wet and flammable refuse.

“Commercial service” means service that is not residential service.

"Container" or "can" means a sturdy receptacle, either furnished by the city or approved by the city manager for refuse collection for commercial or residential service.

"Garbage" means food waste.

"Holiday" means a recognized city holiday under Section 4.48.040.

"Refuse" means all forms of solid waste including garbage and rubbish, but excluding rubble.

"Residential service" means service to one or more dwelling units.

"Rubbish" means grass clippings, hedge trimmings under three feet in length, paper and small light scrap lumber.

"Rubble" means brushwood, heavy yard trimmings which cannot be conveniently cut into three-foot lengths, discarded fence posts, ashes, cinders, street sweeping, catch basin muck, concrete, mortar, stones, bricks, scrap metal or other similar construction materials, trees or materials resulting from the erection or destruction of buildings.

14.20.030 - Refuse collection required. The city shall provide refuse collection and disposal within the city subject to and in accordance with the provisions of this chapter. A person who owns or occupies a facility where refuse is generated shall contract with the city or its authorized collector for refuse collection service, unless exempted from the collection requirement by the city manager.

14.20.040 - Refuse collection—Service type and frequency. The city or its authorized collector shall collect and remove refuse from customers' facilities according to the following schedule:

A. Residential service shall consist of the removal of refuse from containers weighing not more than 75 pounds when full, a minimum of once weekly. When a holiday is observed on the normal day of collection, the collection will be made the following day.

B. Commercial service shall consist of the removal of refuse either from containers weighing not more than 75 pounds when full, or from dumpsters as frequently as the owner or the city manager determines to be necessary.

14.20.050 - Refuse collection—schedule of collection routes. The city or its authorized collector shall maintain on file with the city manager a current schedule of its refuse collection routes, and the city or the authorized collector shall follow the routes shown in that schedule.

14.20.060 - Refuse collection—Obstructions prohibited. No person may obstruct the collection of refuse required under this chapter from a facility owned or controlled by the person, including without limitation by the presence of excessive snow, vicious animals or parked vehicles. The city or its authorized collector need not collect refuse from a facility where such an obstruction is present.

14.20.070 - Refuse collection—Delivery to disposal site or incinerator. All refuse that is collected in the city shall be delivered to a city-approved disposal site or incinerator, and deposited there in the place and manner designated by the city manager.

14.20.080 - Containers—Specifications.

A. The customer shall provide a sufficient number of containers having a capacity of twenty to thirty-three gallons for the storage of refuse before its collection.

B. A customer owning or controlling a facility that generates a quantity of refuse that is impractical to store in containers described in subsection (A) of this section, shall maintain a sufficient number of dumpsters of a type and size approved by the city manager for the storage of refuse before its collection.

C. The customer shall place the daily accumulation of refuse other than rubbish in a container provided under this section, eliminating as far as possible all liquid from the refuse and securely wrapping the refuse in an impermeable bag before placing it in the container.

14.20.090 - Containers—Location. Before the time for refuse collection, the customer shall place all containers of refuse for collection in plain view at the same accessible location at the facility no less than 20 feet from the nearest roadway. The containers shall be placed at ground level or on an open platform or porch not more than four feet above the adjacent roadway, so that they may be reached from the ground by the collector. If the facility abuts a public alley, the containers shall be placed immediately adjacent to the alley. If the facility does not abut a public alley, but is served by a private driveway, the containers shall be placed immediately adjacent to the roadway.

14.20.100 - Containers—Depositing other than refuse prohibited. No person may deposit any material other than refuse in a container from which refuse is to be collected under this chapter. The city or its authorized collector need not collect refuse from a container that holds material other than refuse.

14.20.110 - Containers—unauthorized use prohibited. No person may deposit refuse in a refuse container provided for the use of another facility or customer without the permission of the person who owns or controls the other facility, or the other customer.

14.20.120 - Refuse—unauthorized transport prohibited. No person other than the city or its authorized collector may operate a motor vehicle transporting garbage in the city.

14.20.130 - Refuse—vehicle requirements. A vehicle used to transport refuse must be of a size approved by the city manager, and kept in good running order and in a clean, sanitary condition.

14.20.140 - Rubble—collection and disposal A licensed collector or the owner shall collect and dispose of rubble within the city.

14.20.150 - Trespassing, removal of material from refuse disposal site. No person may:

A. Enter or remain in any area at a refuse disposal site that is closed to the public, except in the course of employment by the city or an authorized collector.

B. Remove refuse or rubble from any site maintained by the city or its authorized operator for refuse disposal without prior authorization from the city manager.

## Chapter 14.24 - CITY CEMETERIES

### Sections:

14.24.010 - Purpose.

14.24.020 - Definitions.

14.24.030 - Designation of city cemeteries.

14.24.040 - Ownership and regulation of city cemeteries.

14.24.050 - Operation and maintenance of city cemeteries.

14.24.060 - Permitted burials.

14.24.070 - Burial sites.

14.24.080 - Burial work.

14.24.090 - Grave markers and decorations.

14.24.100 - Prohibited acts.

14.24.110 - Liability of the city.

14.24.010 - Purpose. The purpose of this chapter is to establish and maintain community cemeteries with adequate administrative provisions for proper burial, continuity of operation, accountable recordkeeping, protection of public property, and the safety, health and welfare of the public.

14.24.020 - Definitions. In this chapter:

"Burial" means the permanent disposition of the remains of deceased person by interment in an earth grave.

"Burial permit" means a permit from the city allowing a burial in a burial site.

"Burial preparation" means the excavation, backfill and removal of excess material from a burial site.

"Burial site" means a plot of land in a city cemetery that is six feet wide by twelve feet long, designated for burial purposes.

"City cemetery" means any of the cemeteries described in Section 14.24.030.

"Disinterment" means the legal removal of a deceased person's remains from a grave.

"Grave" means an excavation not exceeding three feet wide by seven feet long within the boundaries of a burial site for a burial.

"Vault" or "rough box" is a commercial vault purchased from a funeral home or a plywood box purchased from the community hospital that is used to protect a casket from damage during burial preparation on an adjacent burial site.

14.24.030 - Designation of city cemeteries. There are four city cemeteries, described as follows:

- A. The Cordova Cemetery is located along the Copper River Highway, within U.S. Survey 1765, and Copper River and Northwestern Railway Terminal Ground B.
- B. The Lakeview Cemetery is located along Power Creek Road within U.S. Survey 1268.
- C. The Odiak Cemetery is located within U.S. Survey 2981, Block 10, Lot 7.
- D. The Old Eyak Cemetery is located within U.S. Survey 3345, Block 2.

14.24.040 - Ownership and regulation of city cemeteries.

A. The cemeteries designated in Section 14.24.030 are owned by the city and all burial sites within them shall remain in the ownership and authority of the city.

B. All land within each city cemetery shall be subject to the provisions of this chapter, and regulations adopted under this chapter.

C. The city council may, by resolution, establish fees, deposits and charges for the use of the city cemeteries.

14.24.050 - Operation and maintenance of city cemeteries.

A. The city manager shall administer the operation and maintenance of the city cemeteries.

B. The city manager shall cause each city cemetery to be surveyed, and a map of each cemetery, showing the burial sites in the cemetery, to be prepared. The city clerk shall maintain the map of each city cemetery.

C. The city clerk shall maintain records of burial permits, and the identity and location of burial of all persons buried in the city cemeteries.

D. The city at any time may enlarge, reduce, replat or change the boundaries of a city cemetery; establish or modify roads, walks, drainage and other facilities in a city cemetery; and enter upon any burial site for the purpose of operating, maintaining, landscaping, repairing or improving a city cemetery.

E. The city will maintain the city cemeteries, including maintenance of their common facilities such as roads, walks, fences, drainage and landscaping; lawn mowing; and trash removal. The city shall not be responsible for maintaining grave markers or decorations, or landscaping placed on a burial site by the users of that site. The city reserves the right to remove any tree, shrub, plant, fencing or other structure or memorial located on any burial site which becomes dangerous or detrimental to the operations of the cemetery or interferes with or encroaches upon adjacent burial sites.

14.24.060 - Permitted burials.

A. Only human remains may be buried in a city cemetery.

B. No remains may be buried in a city cemetery until the city clerk has issued a burial permit for the burial. An application for a burial permit shall be in a form approved by the city manager, shall identify the person to whom the permit is issued, identify the person whose remains are to be buried, and designate the burial site for the burial. The application shall be accompanied by the required burial fee and a copy of the state permit for the burial.

14.24.070 - Burial sites. Burial sites cannot be reserved. The city shall designate the burial site for a burial when the burial permit is issued. In selecting a burial site, the city will consider the preference of the permittee under the burial permit, but retains discretion to select the burial site.

14.24.080 - Burial work.

A. The permittee under a burial permit shall be responsible for all burial work at the burial site, including without limitation burial preparation, burial, disinterment, site cleanup, and any related work. The city manager shall require a deposit, in an amount to be established by resolution, to assure satisfactory completion of the permittee's work. The deposit shall be refunded upon satisfactory completion of the permittee's work.

B. Under a written agreement in a form approved by the city manager, the permittee under a burial permit may contract with the city to perform burial preparation at the burial site, subject to the availability of city equipment and personnel for this purpose. The permittee shall pay the city its actual costs for labor, equipment and materials required to perform the burial preparation. Before the city performs the work, the burial permittee may be required to post a deposit equal to the city's estimate of the cost of the burial preparation work. The city will determine the actual cost of burial preparation after the construction is completed. If the amount of the deposit exceeds the actual cost, the city shall refund the excess to the permittee. If the actual cost exceeds the amount of the deposit, the permittee shall pay the excess to the city.

C. Burials shall conform to the following requirements:

1. All burial work shall be confined within the burial site.
2. A casket shall be placed in a vault or rough box and centered between the side boundaries of the burial site.
3. The burial excavation shall be to a depth that provides a minimum of forty-two inches between the ground surface of the burial site and the top of vault or rough box.
4. Excavated material shall not be placed upon another burial site.
5. Backfill for the excavation shall consist of D-1 gravel.



14.24.090 - Grave markers and decorations.

A. The city shall identify each grave in the Copper River Highway Cemetery and the Lakeview Cemetery by placing a half-inch rebar with an aluminum or plastic surveyor's cap stamped with a number in the ground of the burial site.

B. All other grave markers or decorations shall be provided by the burial permittee and shall conform to the following requirements, provided that the city manager may give written permission for a variation from the requirements of this section upon finding that the strict enforcement of the requirements of this section would cause undue hardship, and the requested variation will not harm the interest of any other burial site user or the public.

1. A concrete slab with dimensions not exceeding three feet by seven feet, reinforced with wire and rebar, may be placed over a burial site. No topsoil will be allowed under the slab. Subsoil beneath the slab shall consist of well-compacted and well-drained materials (i.e., sand or one-inch-minus gravel).

2. Fences, rock outlines or other grave site containment structures may not extend beyond the length or width allowed for a concrete slab under this subsection.

3. Grave site markers or memorials may not extend beyond the length or width of the grave nor exceed seven feet in height.

14.24.100 - Prohibited acts.

A. Except as authorized by the city manager for the operation and maintenance of the cemetery or the preparation of a burial site for a burial, no person may operate a motor vehicle in a cemetery except on roads designated for such operation, and for the purpose of visiting a grave or attending a burial.

B. No person may willfully remove, damage or destroy any markers, monuments or property in a city cemetery.

C. No person may remove a grave identifier installed by the city.

D. No person may bury remains in a city cemetery, or perform other work on a burial site, except in accordance with the requirements of this chapter and any rule, order or regulation issued thereunder, and any permit required therefor under this chapter.

E. No person may disinter remains in a city cemetery without an order for exhumation.

14.24.110 - Liability of the city. In performing maintenance in city cemeteries, the city will take reasonable precautions to protect grave markers and burial sites from loss or damage, but beyond taking such reasonable precautions the city shall not be responsible for loss or damage to grave markers or burial sites regardless of cause.

Section 4. Cordova Municipal Code Chapter 8.36 is enacted to read as follows:

Chapter 8.36 – WASTWATER DISPOSAL

Sections:

8.36.010 – Definitions.

8.36.020 - Deposit—Objectionable waste prohibited.

8.36.030 - Deposit—Certain substances prohibited in natural outlet.

8.36.040 - Private sewage disposal system.

8.36.010 -- Definitions. As used in this chapter:

"Industrial waste" means the liquid wastes from industrial processes as distinct from sewage.

"Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

"Sewage" means waterborne human wastes or graywater derived from dwelling units and other facilities

8.36.020 - Deposit—Objectionable waste prohibited. No person may place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

8.36.030 - Deposit—Certain substances prohibited in natural outlet. No person may discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any sewage, industrial wastes or other polluted waters; except where suitable treatment has been provided in accordance with this chapter.

8.36.040 - Private sewage disposal systems.

A. When city sewer service is not available under the provisions of Section 14.12.180, a facility shall be connected to a private sewage disposal system complying with the provisions of this chapter.

B. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Alaska Department of Environmental Conservation. No septic tank or cesspool shall be permitted to discharge to any city sewer or natural outlet.

C. The owner of a facility shall operate and maintain all private sewage disposal facilities serving the facility in a sanitary manner at all times, at no expense to the city.

D. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 14.12.180, a direct connection shall be made to the public sewer in compliance Title 14 and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

E. Except as provided in this section, it is unlawful to construct or maintain any privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

Section 5. This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, and published in the Cordova Times, a newspaper of general circulation in the City, within ten (10) days after its passage.

1st reading: March 14, 2013

2nd reading and public hearing: March 20, 2013

**PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF MARCH, 2013.**

\_\_\_\_\_  
James Kallander, Mayor

Attest:

\_\_\_\_\_  
Susan Bourgeois, City Clerk